



State of New Jersey  
 County of Hudson  
 ss.  
 I, Clerk of said County,  
 do hereby certify that the within  
 True Bill or Bill of Indictment  
 is a true and correct copy of the  
 original on file in my office.

On Writ of Error in the Court of Oyer and  
 Terminer of Hudson County  
 New Jersey.

Motion to Advance Cause on Calendar, Dismissal  
 of the Motion, Withdrawal, Reasons  
 for the Application and Notice  
 of Motion.

JAMES A. HEWLETT  
 Attorney and of Counsel for Defendants  
 in Error, and Prosecution of the  
 Pleas, Hudson County, N. J.

# United States Supreme Court

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JAMES K. BROWN,  
Plaintiff in Error,

and

THE STATE OF NEW JERSEY,  
Defendant in Error.

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October Term  
1899.

No. 290.

Motion to Ad-  
vance.

Comes now the defendant in error, by its counsel in that behalf, and moves the court to advance the said cause upon the calendar.

JAMES S. ERWIN,

Attorney and of Counsel with Defendant in Error.

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## STATEMENT OF FACTS.

James K. Brown, the plaintiff in error, was indicted at the April Term, A. D., 1898, of the Hudson County, N. J., Court of Oyer and Terminer for the murder of Charles Gebhardt on July 26, 1898.

The defendant was tried and found guilty of murder in the first degree on October 5, 1898, and he was sentenced to be hung on December 8, 1898.

The case was taken by writ of error to the New Jersey Court of Errors and Appeals and the judgment of the Court of Oyer and Terminer affirmed March 6th, 1899, and Brown was again sentenced to be executed on April 18, 1899.

Prior to this last named date and on April 5, 1899, a writ of error was allowed and taken from the United States Supreme Court to the Hudson County

Court of Oyer and Terminer, and allowed to act as a supersedeas by Mr. Justice Shiras. The writ of error to this court was returned with the record and the cause docketed August 4, 1899. On April 5, 1899, a citation was issued from this court and returnable therein; and the cause was docketed as No. 290 of the October Term, 1899.

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### REASONS FOR ADVANCING THE CAUSE.

1. The record shows the cause is a criminal cause, and under the rules of this court, and Section 710 of the Revised Statutes of the United States, the cause is entitled to precedence.

2. The record shows that the plaintiff in error was tried, convicted and sentenced under and by virtue of the laws of the State of New Jersey, and every right, privilege and assistance was accorded plaintiff in error under the constitution and laws of said State.

3. The record shows that the plaintiff in error after conviction in the trial court, applied for relief to the Court of Errors and Appeals of the State of New Jersey; the cause was duly heard by said Court on writ of error, and relief denied and the judgment of conviction affirmed.

4. The record shows that plaintiff in error is under sentence of death for the crime of murder, committed on July 26th, 1898; and the due administration of the laws of the State of New Jersey is delayed, pending the determination of the cause in this court.

5. The record shows that plaintiff in error was tried, convicted and sentenced in accordance with due process of law; that he was not denied any specific right, privilege or immunity under and by virtue of

the constitution and laws of the United States; that no Federal question was involved, and that the writ of error was taken for the purpose of delay.

Respectfully submitted,

JAMES S. ERWIN,

Attorney and Counsel for  
defendant in error, and Pro-  
secutor of the Pleas  
for Hudson County, New  
Jersey.

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[ENDORSED.]

United States Supreme Court. October Term 1899. No. 290. James K. Brown, Pltff. in Error, and The State of New Jersey, Def't in Error. On Error to State of New Jersey. Motion to advance. James S. Erwin, Att'y and Counsel of Defendant in Error.



UNITED STATES SUPREME COURT.

JAMES K. BROWN,  
Plaintiff in Error,  
  
and  
THE STATE OF NEW JERSEY,  
Defendant in Error.

October Term, 1899.  
No. 290.

On Writ of Error.  
Motion to Advance.

Please take notice that a motion to advance the above stated cause will be submitted and made to said Court on Monday, the ninth of October, A. D. eighteen hundred and ninety-nine at the court rooms, at Washington, D. C., upon the opening of the above Court, on that day or as soon thereafter as the Court can attend to the same, and you are herewith served with a copy of the motion, statement of the matter involved and the reasons for the application.

Yours respectfully,

JAMES S. ERWIN,

Attorney of and Counsel for Defendant  
in Error, and Prosecutor of the  
Pleas, Hudson County, N. J.

To

JAMES K. BROWN,  
Plaintiff in Error, and

WILLIAM D. DALY,  
Attorney of and Counsel of Plaintiff in Error.

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[ENDORSED.]

United States Supreme Court. James K. Brown, Plaintiff in Error, and The State of New Jersey, Defendant in Error. October Term, 1899. No. 290. Notice of Submission of Motion to advance Cause. James S. Erwin, Attorney for Def't in Error.